

Page 78

1 all?

2 A. Only in regard to the company's work.

3 Q. What do you mean by that?

4 A. It means we were no longer doing technical

5 manuals anymore. They were no longer using a lot of

6 in-house publications.

7 Q. So what were you doing?

8 A. We were mainly doing work for other

9 departments, whatever they needed.

10 Q. Can you give me an example of what type of

11 work?

12 A. We would support their meetings with printed

13 material or slide material, slide show material, and

14 printed materials to support their departments.

15 Q. But other than that, did the nature of what

16 you were doing on a day-to-day basis change?

17 A. No, the work was still pretty much the same.

18 Q. After Ms. Richardson, who headed the graphic

19 arts department?

20 A. After what?

21 Q. What's that?

22 A. I didn't hear what you said.

23 Q. I said after Ms. Richardson, you indicated

24 Ms. Richardson was the head of the department --

Page 79

1 A. Oh, oh, going back. Yes, they hired a

2 person to take her place. Her name is Linda Nidle.

3 Q. Do you have any recollection of when that

4 was?

5 A. That was around 1990, give or take a year.

6 Q. How long was Ms. Nidle head of the graphic

7 arts department?

8 A. Maybe two years.

9 Q. Who was the head of the department after

10 her?

11 A. The head of the department meaning --

12 Q. Try not to make this too confusing. Was

13 Ms. Richardson the head of the department when she

14 was --

15 A. Well, to clarify, she was like John Haskell

16 assigning the work.

17 Q. Okay.

18 A. And Linda Nidle would assign some work,

19 also.

20 Q. So when you say assigning the work, that's

21 assigning the work to you?

22 A. To myself and the other artists.

23 Q. Then Ms. Richardson took that role?

24 A. She was after John Haskell, and then

Page 80

1 Ms. Nidle.

2 Q. And then Ms. Nidle?

3 A. Yes.

4 Q. Who was after Ms. Nidle?

5 A. Then Ted Lavash and Peter Stravropoulos.

6 Q. During what period of time did Mr. Lavash

7 assign work within that department?

8 A. After Linda Nidle was let go.

9 Q. Do you have any memory of when that was?

10 A. Well, let's see. Again, it was

11 approximately '91, in that time frame.

12 Q. How about Mr. Lavash, how long was it his

13 job to assign work to that group?

14 A. I must clarify that Peter Stravropoulos and

15 Ted Lavash assigned work.

16 Q. Okay. At the same time?

17 A. Yes.

18 Q. What time period was that?

19 A. Around 1991, '92.

20 Q. How long was it that the two of them

21 assigned work to the graphic artists?

22 A. Continuously after that.

23 Q. Okay, until the time you stopped providing

24 services to the company?

Page 81

1 A. Yes.

2 Q. When did you last do any work for Bull?

3 A. It was approximately the middle of 2002.

4 Q. And you have not done any work for Bull as

5 an employee or independent contractor since that

6 time?

7 A. Since that time?

8 Q. Yes.

9 A. No.

10 Q. I'll show you another document.

11 (Exhibit 2 marked for identification)

12 (Document exhibited to witness)

13 Q. Mr. Gavin, do you have what's been marked as

14 Exhibit 2 in front of you?

15 A. Yes.

16 Q. Have you seen that document before?

17 A. Yes.

18 Q. Can you tell me what that is?

19 A. These were numbers and figures that I put

20 together from my purchase orders that I saved over

21 the years.

22 Q. Do you recall -- so you prepared Exhibit 2?

23 A. Yes.

24 Q. Do you recall when you prepared it?

21 (Pages 78 to 81)

Page 114

1 period you provided services to Honeywell or Bull as
2 an independent contractor, were you given the
3 opportunity to become an employee?

4 MR. WILGOREN: Objection as to form.

5 A. Was I given the opportunity at any time?

6 Q. Yes.

7 A. I was asked once to become an employee.

8 Q. When was that?

9 A. Exact date I'm not sure. It was -- Linda
10 Nidle asked me.

11 Q. Do you recall what she said?

12 A. She wanted to know if I ever considered
13 becoming an employee.

14 Q. What did you respond?

15 A. I said no, I hadn't.

16 Q. Did she ask you at that time whether you
17 were interested in becoming an employee?

18 A. Yes, she did.

19 Q. What was your response at that time?

20 A. I said I would like to know more
21 information.

22 Q. Did you ever have any subsequent discussion
23 with her about that?

24 A. I did have some -- a discussion with her.

Page 115

1 Q. When was that?

2 A. Again, I'm not sure what years. Around
3 1991.

4 Q. Can you put it in context from the first
5 discussion you had with Linda Nidle about becoming
6 an employee when you had that second discussion?

7 A. It was at the time when my rate changed.

8 Q. You're referring to Exhibit 2?

9 A. Yes. Again, this is the rate change. The
10 date is when this was billed or the PO was written,
11 it was 4/23/91. So that's approximate.

12 Q. So your recollection is the '91?

13 A. '91.

14 Q. And you indicated you had a discussion in
15 which Linda Nidle asked you if you're interested in
16 becoming an employee?

17 A. Yes.

18 Q. And you said you'd like more information?

19 A. Yes.

20 Q. And you had a follow-up discussion with
21 Linda Nidle?

22 A. Yes.

23 Q. How long after the first discussion was it
24 before the second discussion took place?

Page 116

1 A. Within a week.

2 Q. What happened in that discussion?

3 A. I was offered a pay less than I was making.

4 Q. To become an employee?

5 A. To become an employee.

6 Q. Was your understanding that if you became an
7 employee, you would be eligible for employee
8 benefits?

9 A. I would assume that, yes.

10 Q. What were they offering to pay you?

11 A. As an hourly rate?

12 Q. Yes.

13 A. 27 dollars an hour.

14 Q. What were you currently earning at that
15 point?

16 A. 29.

17 Q. What did you say?

18 A. I said no.

19 Q. Did you have any further discussion with
20 Linda Nidle at that time?

21 A. No.

22 Q. Did you ever pursue it at any other --

23 A. No.

24 Q. -- time? So you made the decision at that

Page 117

1 time that you were not interested in being
2 classified as an employee?

3 MR. WILGOREN: Objection.

4 A. Not for that pay, no.

5 Q. Do you know if other contractors were
6 offered the same opportunity at around that same
7 time?

8 A. Not that I know of.

9 Q. Were you aware at any time during the period
10 that you provided services to Honeywell or Bull as a
11 contractor of the company making an offer to
12 contractors to become employees?

13 MR. WILGOREN: Objection.

14 A. No.

15 Q. And you knew when you rejected Ms. Nidle's
16 offer to become an employee that you would continue
17 to be not eligible for the employee benefits, the
18 benefits that employees received?

19 MR. WILGOREN: Objection.

20 A. Yes, that was my understanding.

21 Q. I'm sorry, I didn't --

22 A. That was my understanding.

23 (Exhibit 5 marked for identification)

24 (Document exhibited to witness)